

## **Who is the lead agency for determinations?**

1. On all lands when work is associated with conversion of land (e.g. wooded lands) to agricultural production (e.g. clearing, leveling, stumping);

***NRCS for USDA Program Participants*** - NRCS will send a copy of the determination to the Corps for concurrence & permit information (45 days to respond)

***Corps for non-USDA Program Participants*** - Corps will send a copy of determination to DEQ

2. Maintaining existing lands (crop and pasture lands) in agricultural production, including maintenance of ditches in existing agricultural lands and perimeter ditches.\*

***NRCS for USDA Program Participants*** - NRCS will not send a copy of the determination to the Corps

***Corps for non-USDA Program Participants***

**\* Note:** Corps considers land to be abandoned for Section 404 CWA purposes if out of agricultural production for 5 years

3. On all lands when work is not associated with agricultural production on the area to be impacted.

***Corps*** - Corps will send copy of determination to DEQ. If the Corps determines that a wetland or other water is isolated, it will advise participant that authorization may be required from DEQ

This includes:

a) Activities that are part of an existing agricultural operation (farmhouses, farm ponds, poultry houses, ditches outside of crop or pasture lands, etc.) but don't make production possible on the impacted area;

b) Activities unrelated to agricultural production (construction of roads, houses, subdivisions, water supply reservoirs, buildings, mitigation banks, etc.)

4. Any Other Waters of the United States accompanying agricultural related activities but located outside of existing agricultural fields or pastures (rivers, streams, lakes, etc.). This includes channelized streams, ditches, and canals that convey agricultural runoff.

***Corps***

Ditch maintenance within an existing farm field or pasture will not require an "Other Waters" determination provided the work does not result in a change in cross-section width or depth.

Relocating ditches within an existing farm field or pasture will require an "Other Waters" determination.